

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA)
Plaintiff,)
v.) Criminal No. 19-cr-0032-RDB
ERWIN BOATENG)
Defendant.)

Baltimore, Maryland
December 17, 2021
2:48 p.m.

THE ABOVE-ENTITLED MATTER CAME ON FOR
SENTENCING HEARING
BEFORE THE HONORABLE RICHARD D. BENNETT

APPEARANCES

On Behalf of the Plaintiff:
JUDSON T. MIHOK, ESQUIRE

On Behalf of the Defendant:
IVAN J. BATES, ESQUIRE

Also Present:
Agent Roger Cochran, Homeland Security Investigations
Alan Pracht, U.S. Attorney's Office

(Computer-aided transcription of stenotype notes)

Reported by:

Ronda J. Thomas, RMR, CRR
Federal Official Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

THE COURT: We're ready to proceed with the sentencing in this matter in the case of United States v. Erwin Boateng, Criminal Number RDB-19-0032.

On December the 2nd I had verified that the Defendant had gone -- had seen the Presentence Investigation Report and at the time there were no corrections or objections. Obviously there's going to be some change of the Presentence Investigation Report and the guideline calculation in a moment as to which we will get there.

So, with that, we're now ready to proceed with sentencing here. If you'll please stand, Mr. Boateng. I want to go over the process here in federal court with respect to sentencing.

And as I indicated to you when you pled guilty on September the 19th in 2019, there are two key opinions of the United States Supreme Court that outline the process for sentencing in federal court. Do you recall -- actually I did not. I did not take your guilty plea. I assume Judge Russell went over this with you. But they are the cases of *United States v. Booker* and *Gall v. United States*.

In the first case, the Supreme Court upheld the constitutionality of the Federal Sentencing Guidelines, which were referenced in your plea agreement letter, but the Court did so with the deletion of any provisions as to the guidelines being mandatory.

1 The Supreme Court specifically noted that with the
2 deletion of the mandatory provisions the balance of the Federal
3 Sentencing Guidelines was constitutional but, henceforth, after
4 the *Booker* case in January of 2005, the guidelines were to be
5 applied in an advisory context and were rendered effectively
6 advisory. Meaning that the Supreme Court specifically noted
7 that federal judges, while not bound to apply the guidelines,
8 must still consult them and take them into account when
9 imposing a sentence.

10 And there are other factors to be considered as well under
11 18 United States Code § 3553(a). They include your personal
12 history and characteristics, the nature and circumstances of
13 the offense, sentences imposed upon your codefendants in this
14 case. That'll be a factor with me as well.

15 Do you understand that general process?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** And did Judge Russell go over those cases
18 with you when you pled guilty?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** All right. Now, the second of the two key
21 opinions was the case of *Gall v. United States* which was
22 decided about three years after the *Booker* case in which the
23 Supreme Court specifically noted that federal judges should not
24 presume that the guideline range is reasonable but is a
25 starting point in a multistep process pursuant to which first

1 there's a calculation of the guideline range -- and here there
2 will be some adjustment to the original calculation in light of
3 my ruling on your breach of the plea agreement -- and then
4 there's a consideration of other factors. The goal being to
5 impose a sentence which is sufficient but not greater than
6 necessary to achieve the goals of sentencing.

7 Paragraph 9 of the plea agreement had originally noted
8 that both you and the Government waive appeal of any lawful
9 sentence. The Government is now released from that obligation
10 as a result of my determining that there was a breach of the
11 plea agreement, and the Government is free to appeal my
12 analysis in terms of the appropriate sentence in this case if
13 it so chooses.

14 As I've indicated on the record earlier, while you've not
15 sought to withdraw your plea of guilty, and that's not an issue
16 before me, you would not be permitted to do so in any event.
17 As to the matter of an appeal of any sentence, the record will
18 reflect that I will interpret Paragraph 9 to mean that you also
19 can appeal a sentence which I impose.

20 And if the Fourth Circuit determines that otherwise, the
21 Fourth Circuit can just summarily so rule, but it will give you
22 an opportunity, if you so choose through your lawyer, if the
23 Government appeals this sentence that I impose you can appeal
24 the sentence as well.

25 And the Government objection as to that is noted for the

1 record, Mr. Mihok. I'm not saying that you agree with that,
2 but I think it's the safest way to protect the record here.

3 I think you concur with that, correct?

4 **MR. MIHOK:** I agree as far as --

5 **THE COURT:** In terms of preserving the record?

6 **MR. MIHOK:** As far as where we are right now, yes.

7 **THE COURT:** It's the best way to deal with this now
8 for the Fourth Circuit for review.

9 So, with that, I think that we are ready to proceed. I
10 want to verify, Mr. Boateng, that according to the Presentence
11 Investigation Report prepared in this case by Ms. Wonneman that
12 you're not on any kind of medication according from what I can
13 see from Paragraph 61 through 63 of the Presentence Report.

14 Are you taking any medication?

15 **THE DEFENDANT:** Yes, Your Honor. Now I'm on
16 cholesterol medication.

17 **THE COURT:** And when did you start taking that?

18 **THE DEFENDANT:** Earlier this year, Your Honor.

19 **THE COURT:** All right. Apart of the cholesterol --
20 like Lipitor or something along those lines; is that right?

21 **THE DEFENDANT:** Yeah, I forgot the name.

22 **THE COURT:** Just for high cholesterol?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Any other medications?

25 **THE DEFENDANT:** Negative, Your Honor.

1 **THE COURT:** Did you take that medication today?

2 **THE DEFENDANT:** I get it in the evenings so I'll
3 receive it this evening.

4 **THE COURT:** I know you've been in custody since
5 December the 2nd so I wasn't sure if you've been provided that
6 medication or not.

7 **THE DEFENDANT:** I have, Your Honor.

8 **THE COURT:** All right. Are you satisfied, Mr. Bates,
9 that your client is competent to proceed with sentencing here
10 today?

11 **MR. BATES:** Yes, I am, Your Honor.

12 **THE COURT:** Now, the other thing is are the procedures
13 required by the Protect Act of 2003, Mr. Boateng, which is a
14 law that was passed by the U.S. Congress in that year and among
15 the many provisions of the Protect Act there are specific
16 provisions with respect to federal courts when imposing
17 sentences in federal criminal cases.

18 Specifically, the Protect Act requires that the chief
19 judge of each federal court in the United States must ensure
20 that within 30 days of the imposition of sentence that certain
21 documents go over to the U.S. Sentencing Commission in
22 Washington. Those documents include the judgment and
23 commitment order, which I'll be preparing with the assistance
24 of Ms. Maldeis immediately after these proceedings; the
25 statement of reasons for the sentence imposed, which shall

1 include the reason for any departures from the otherwise
2 applicable guideline range; a copy of the plea agreement in the
3 case; the indictment; the presentence report; and any other
4 information the Sentencing Commission finds appropriate.

5 And the Chief Judge of this court issued an administrative
6 order back in 2003 directing the U.S. Probation Office,
7 Ms. Wonneman's office, to forward these documents over to the
8 U.S. Sentencing Commission in Washington. This is true of all
9 federal courts throughout the United States.

10 That means that some of these documents are subject to
11 review by other public officials over in Washington or perhaps
12 even by members of the public. And for a long period of time
13 it has been the policy here in this court that there is a
14 section in the Presentence Investigation Report marked
15 Defendant Characteristics containing confidential family
16 information, names of family members. That kind of -- for
17 example, I think your daughter's name is Amilda; is that
18 correct?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** For example, her name is in there. That
21 kind of information is sealed under administrative order of
22 this court. I've looked at that information in Part C, and
23 another judge of this court could, if he or she so chose, none
24 have, and members of the U.S. Sentencing Commission can see
25 that, but no one else is permitted to see it. The President of

1 the United States is not permitted to look into that when it
2 goes over to Washington unless another order is issued by this
3 court.

4 Do you understand that?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** To all other extent the requirements of
7 the Protect Act are still mandated and to be complied with, and
8 in this case Part C of your presentence report begins on
9 Paragraph 53 on Page 9 and goes over to Paragraph 82 on
10 Page 13. So that portion will be subject to administrative
11 seal under the orders of this court.

12 Now, as to the guideline calculation, the guideline
13 calculation originally tallied out and is reflected on Pages 6
14 and 7 of the Presentence Investigation Report. And it was
15 originally consistent with what was anticipated in the plea
16 agreement letter of August the 28th of 2019, which was
17 introduced as Government Exhibit 1 on September the 19th of
18 2019, before Judge Russell. That will be subject to
19 recalculation now in light of my ruling on the breach of the
20 plea agreement here.

21 There is a base offense level of 7 as set forth in
22 Paragraph 32, and there is no change in that as a basis of my
23 ruling, correct, Mr. Mihok?

24 **MR. MIHOK:** That's correct, Your Honor.

25 **THE COURT:** Correct, Mr. Bates?

1 **MR. BATES:** Correct, Your Honor.

2 **THE COURT:** And then the intended loss figure in
3 Paragraph 33, in that the intended loss was approximately
4 \$374,000 and because that exceeds 250,000, but is less than
5 550,000, the offense level is increased by 12.

6 Again, there's no correction as to that from the point of
7 view of the Government, correct, Mr. Mihok?

8 **MR. MIHOK:** That's correct, Your Honor.

9 **THE COURT:** Correct, Mr. Bates?

10 **MR. BATES:** Correct, Your Honor.

11 **THE COURT:** All right. So then Paragraph 34 also
12 remains the same, Ms. Wonneman, in that the offense of this
13 case involved 10 or more victims, the offense level is
14 increased by two-levels, that's a plus two.

15 Once again, no objection by the Government, correct?

16 **MR. MIHOK:** Correct, Your Honor.

17 **THE COURT:** No objection by the defense, correct?

18 **MR. BATES:** Correct, Your Honor.

19 **THE COURT:** So as to that, Mr. Mihok, I think we just
20 come down to Paragraph 38. There's an adjusted offense level
21 of 21. At that point the Government agrees with that
22 calculation as well, correct?

23 **MR. MIHOK:** That's correct, Your Honor.

24 **THE COURT:** Correct, Mr. Bates on that?

25 **MR. BATES:** Correct, Your Honor.

1 **THE COURT:** All right. Now, where we are as to
2 paragraphs 40 and 41 as to acceptance and responsibility that
3 will be changed and as a result of my ruling here and
4 consistent with the law that I previously noted, including the
5 *Bolton* case, the opinion of the Fourth Circuit in 2017, the
6 total offense level here will be 21, not 18.

7 With respect to your criminal history, your criminal
8 history reflects no prior criminal convictions of any kind but
9 for a driving under a suspended license charge back in 2006.
10 So your Criminal History Category is the lowest possible I out
11 of a possible VI, I being the lowest. But with a total offense
12 level of 21 and a Criminal History Category of VI, the advisory
13 guideline range here is 37 to 46 months, and the Presentence
14 Investigation Report shall be modified to reflect that.

15 I'm looking -- I think the next change, Ms. Wonneman,
16 would be in Paragraph 84 and it's a total offense level of 21,
17 Criminal History Category of I, advisory guideline range of 37
18 to 46 months in Paragraph 84.

19 The other provisions, supervised release does not change.

20 The fine level -- does the fine level change as a result
21 of that change in the guideline range?

22 **MS. WONNEMAN:** Yes, Your Honor, it changes to a
23 minimum of \$15,000.

24 **THE COURT:** All right. The fine range is now \$15,000
25 as opposed to 10 at the bottom; is that right?

1 MS. WONNEMAN: That's correct.

2 THE COURT: And goes to what, to one million as well?

3 MS. WONNEMAN: Yes, Your Honor.

4 THE COURT: So Paragraph 92 will change as well. It's
5 15,000 to 1 million.

6 Any objection by the Government, Mr. Mihok?

7 MR. MIHOK: No, Your Honor.

8 THE COURT: Any objection by you, Mr. Bates, as to
9 that?

10 MR. BATES: No, Your Honor.

11 THE COURT: All right. I think that may do it for us.
12 Any other changes that result in the presentence report, from
13 your point of view, Ms. Wonneman?

14 MS. WONNEMAN: No, Your Honor.

15 THE COURT: All right. Thank you very much.

16 So, with that, with the total offense level of 21,
17 Criminal History Category of I, and my having ruled as I have,
18 I'll now address the Government -- you may be seated for a
19 moment, Mr. Boateng. I'll give the Government an opportunity
20 to speak on behalf -- I'll give Mr. Mihok an opportunity to
21 speak on behalf of the Government and then I will recognize
22 Mr. Bates for remarks on your behalf, and I will give you an
23 opportunity to speak on your own behalf, Mr. Boateng.

24 So, with that, Mr. Mihok, I'll be glad to hear from you.

25 I think the first step here is that the Government, consistent

1 with the plea agreement, I gather the Government is still
2 moving to dismiss Counts 9, 11 and 12 of this particular
3 indictment, correct?

4 **MR. MIHOK:** That's correct, Your Honor.

5 **THE COURT:** So the Government was dismissing Counts 9,
6 11, and 12 consistent with the plea agreement, even though the
7 Government has been removed from its obligations.

8 I have reviewed your sentencing memorandum, Paper Numbers
9 269 and 279. I've also reviewed the matter of the restitution
10 figure as to which I'm somewhat unclear. You'll have to
11 address that if you will. So I'll be glad to hear from you.

12 **MR. MIHOK:** Thank you, Your Honor. In fact, I was
13 planning on starting right there because there was a long
14 history with these other defendants who were sentenced
15 regarding the restitution and it was -- there were a lot of
16 exchanges on the record.

17 In fact, at one point with one of the codefendants we
18 asked for that special provision that allows us to continue --
19 leave open the sentencing hearing so we could determine the
20 restitution amount. Our office, in conjunction with Special
21 Agent Cochran and others at Homeland Security, spent a lot of
22 effort and a lot of time and effort reaching out to the various
23 victims in this case, both the individual victims, the business
24 victims and the financial institutions.

25 **THE COURT:** I overlooked the fact that I meant to

1 verify there has been a notice under the Crime Victim's Rights
2 Act to the victims here. Just so we're clear again, the four
3 codefendants in this case, Kabir Are, A-R-E, David Attoh,
4 A-T-T-O-H, Kwaku Blay, and Franck Nsiyabnze, N-S-I-Y-A-B-N-Z-E,
5 have all been sentenced and pled guilty and been sentenced by
6 Judge Russell, but apparently Judge Russell interpreted some
7 type of conflict of interest in this matter which is why it was
8 transferred to me, I believe.

9 **MR. MIHOK:** Yes, Your Honor. Yes, Your Honor. So
10 there was just a lot of exchanges about that so I just want to,
11 in summary fashion, just update the Court as far as that
12 because I know that one of Mr. Bates' prior filings addressed
13 and brought up this issue about victims and the amount of loss.

14 There is no question confirmed -- it was completely
15 confirmed that there was loss in the amount of \$188,176.24.
16 That was the actual amount that was able to be withdrawn from
17 various accounts that were compromised as part of this fraud
18 scheme.

19 And the full, you know, the full amount, the intended loss
20 was a much higher amount that's detailed in the factual basis
21 of the plea agreement and justifies the 12-level bump for under
22 2B1.1.

23 When we were researching that -- and we have fully
24 complied with the Victim Rights Act under 3771. Every step of
25 the way we've been mailing notices. And in fact we've gone

1 well beyond that in this case to try to contact the victims via
2 phone and email. So they've been all notified of every
3 proceeding and above and beyond that or trying to research
4 where these victims were, the businesses, and trying to drill
5 down at these various financial institutions.

6 What we developed or what was developed in that exercise
7 is that the individual victims whose identities were
8 compromised, they confirmed that eventually those financial
9 institutions reversed those charges and restored funds to their
10 accounts.

11 And then we went to the individual businesses. There were
12 a number of businesses that their accounts were compromised as
13 part of this, and those individual businesses likewise
14 confirmed that eventually the financial institutions were able
15 to reverse the charges. There were a series of hold harmless
16 agreements that were issued between the businesses and the
17 financial institutions.

18 And then we got to the financial institutions and there
19 were a series of transfers, wire transfers and funds going back
20 and forth between various accounts. When we drilled down on
21 that, it was very challenging. There was one of the finance --
22 one of the largest financial institutions in the country, it
23 looked as though all of the loss was eventually reversed, hold
24 harmless agreements were issued, and they ended up being --
25 there was one really -- one primary institution that seemed to

1 eat the entire loss, if you will, of that \$188,000.

2 We spent, I can't even estimate, I mean we spent hours and
3 hours on phone, emails, in touch with that financial
4 institution. They transferred us from one department to the
5 next. Ultimately, they told us at one point that they thought
6 the Treasury Department was -- had eaten the loss or taken the
7 loss in this matter. There was no logical reason why that
8 would have been the case.

9 So we were unable to confirm that \$188,000 that was
10 actually withdrawn from accounts, that was actually used, we
11 know that was the actual loss, we were unable to confirm which
12 financial institution ultimately suffered that loss.

13 So, as far as, you know -- and again we spent a lot of
14 time --

15 **THE COURT:** The bottom line is that there's been no
16 restitution ordered as to the other four defendants in this
17 case.

18 **MR. MIHOK:** Correct.

19 **THE COURT:** Nor should there be as to Mr. Boateng?

20 **MR. MIHOK:** That's correct, Your Honor. I just want
21 to be clear what our efforts were because, again, you weren't
22 the judge and you didn't have the benefit of that. It was a
23 big part of all those prior sentencing proceedings. We
24 continued the restitution hearings. We went back and forth.
25 We made a lot of record about our efforts in that regard. So I

1 just wanted -- and I can understand completely why that would
2 be confusing both to the Court and to Mr. Bates.

3 **THE COURT:** That's fine.

4 **MR. MIHOK:** So I just wanted to make clear on the
5 record what our efforts were and the information about
6 restitution. So we will not be seeking restitution here. The
7 Court has already signed a preliminary order of forfeiture for
8 24,758.79. We'd ask that the Court --

9 **THE COURT:** It has to do with assets received?

10 **MR. MIHOK:** Yes, Your Honor. So we would ask the
11 Court to -- I think there was a final order and that just needs
12 to be part of the judgment.

13 **THE COURT:** I don't know that it's still before me.

14 **MR. MIHOK:** I think the Court already issued -- there
15 was already an ECF entry regarding the order of forfeiture. I
16 think we just need to make sure that gets referenced on the
17 record.

18 **THE COURT:** The preliminary order of forfeiture was
19 signed by me on December the 2nd, that is Paper Number 286.

20 **MR. MIHOK:** Yes, thank you, Your Honor.

21 **THE COURT:** Thank you, Mr. Mihok.

22 **MR. MIHOK:** And so other than that, Your Honor, I
23 think that addresses the loss and the victims and those issues.
24 Not that the defense is pursuing those anymore. In previous
25 filing there had been some reference to those and potential

1 sentencing guidelines, departures and adjustments, those have
2 been withdrawn at this point. And we're clear it's a base
3 offense level 21, Criminal History Category I, 37 to 46 months.

4 The Government maintains that the appropriate sentence in
5 this case is 60 months to be followed by five-years of
6 supervised release, a 100-dollar special assessment.

7 You know, considering the 3553(a) factors -- and I'm not
8 going to go into all of them here, they've been well briefed in
9 our prior sentencing submissions -- but what the Court -- what
10 was developed today and what the Court heard just now I think
11 easily justifies a variant sentence above the very top of where
12 those guidelines are at 46 months and justifies the 60-month
13 sentence that the Government seeks. Because the Court heard
14 today that there wasn't just this Schwab attempt regarding this
15 9 billion-dollar bond, which really was so brazen, but there
16 were two attempts after that and one -- and a fourth attempt
17 that was happening roughly at the same time.

18 Now we know that there was this advanced fee scam or
19 scheme that the Defendant engaged with Chocolate Gold, this
20 venture with Mr. Reid and SPAGnVOLA, S-P-A-G-N-V-O-L-A. Those
21 discussions began in January of 2019.

22 I'm just looking at Government's Exhibit 11, which was an
23 exhibit that was introduced at the breach of plea hearing, and
24 they continued through July of 2019. And then they picked up
25 again in 2021 when the Defendant reached back out to Mr. Reid

1 inquiring about the business deal and if they were going to be
2 able to proceed.

3 When you look at Exhibit 11, it really drives home just
4 how brazen this was. Because the Defendant, February 6, 2019,
5 he's released on those conditions of release. And it's very
6 clear, don't open any accounts. The Defendant comes in, has
7 that proffer with the Government August 23rd, 2019. No mention
8 whatsoever of any of these dealings, not with Schwab, Morgan
9 Stanley, not with Chocolate Gold, not with Civtek, with Thomas
10 Young. One of those, you know, business dealings -- and they
11 are very active, they're heating up in this exact timeframe.

12 The Defendant sits down to a proffer with us for hours.
13 We're asking him all these questions about business dealings.
14 He's been -- he's charged with conspiracy to commit bank fraud,
15 aggravated identity theft, various counts of -- substantive
16 counts of bank fraud, does not mention of any of these dealings
17 whatsoever. No mention. Very clandestine. Very sneaky and
18 he's manipulative. That's really, at the end of the day, very
19 manipulative, this behavior that we see here.

20 The Defendant then picks up, as it looks like the
21 Chocolate Gold venture has run aground, and he's not going to
22 extract \$50,000 from Mr. Reid, begins discussions with Civtek
23 in late August of 2019. Very quickly Mr. Young at Civtek
24 confirms or sniffs out that this is a scam or a scheme. And
25 again, these two -- first two attempts really very closely

1 track it's exactly an advanced fee scheme. I have this giant
2 security interest, this giant monetary instrument, I've won the
3 lottery, I've got stocks and bonds, you know. This is exactly
4 what this is. I just need that \$50,000 to be able to unlock
5 this incredible wealth and that's what the Defendant was
6 pitching to both Mr. Reid and Mr. Young. Thankfully they
7 didn't fall for it and they --

8 **THE COURT:** Focusing on this case, how does his
9 culpability rank with respect to Mr. Attoh, for example?
10 A-T-T-O-H.

11 **MR. MIHOK:** Mr. Attoh, you know -- and Mr. Attoh got
12 36 months, Your Honor, in this case.

13 **THE COURT:** Yes, he did.

14 **MR. MIHOK:** He pled also to an aggravated identity
15 theft charge.

16 **THE COURT:** That was included in the three-year
17 sentence.

18 **MR. MIHOK:** Yes, Your Honor. I would say that, you
19 know, they were roughly in the same place because the other --
20 not all the defendants charged in this case were charged with
21 aggravated identity theft.

22 **THE COURT:** Mr. Boateng was.

23 **MR. MIHOK:** Mr. Boateng was.

24 **THE COURT:** You have dismissed that count consistent
25 with the plea agreement, but I have viewed -- again, I didn't

1 have the other four defendants plead before me, but I have
2 viewed Mr. Boateng and Mr. Attoh as the most culpable of all
3 five of them. And they're basically in *pari delicto*, are they
4 not?

5 **MR. MIHOK:** Yes, Your Honor. I think that's fair
6 comparison given the -- because they both did the same -- as
7 far as this fraud scheme, the conspiracy to commit bank fraud
8 that the Defendant pled guilty to, they both had their
9 photographs, passport photographs used to create identification
10 documents that they then took --

11 **THE COURT:** So the basis of having Mr. Boateng get a
12 greater sentence than Mr. Attoh is mainly your view as to his
13 continued activity?

14 **MR. MIHOK:** That's correct, Your Honor. That's
15 correct. I think, you know, like I said --

16 **THE COURT:** Did Mr. Attoh serve in the military as has
17 Mr. Boateng? I don't believe he did.

18 **MR. MIHOK:** No, he did not, Your Honor.

19 **THE COURT:** I'm wondering -- I'm certainly going to
20 hear from Mr. Bates on this, and I would like to have your
21 input. He is a military veteran with over eight years in the
22 United States Marine Corps and two tours, an E5 sergeant upon
23 honorable discharge, and had two tours of duty. One in
24 Afghanistan until 2010 and one until Kuwait in 2011, I believe,
25 according to the presentence report.

1 Is that not correct?

2 MR. MIHOK: That's what I reviewed as well, Your
3 Honor.

4 THE COURT: What calculation should be factored in
5 there as to that? I want to know what your view is?

6 MR. MIHOK: As far as his military service?

7 THE COURT: Yeah.

8 MR. MIHOK: Well, you know, I think the -- when we
9 looked at the Defendant as opposed to a -- Mr. Attoh, Mr. Attoh
10 was actually -- here's another factor that distinguishes them.

11 Mr. Attoh was in Criminal History Category of III. So
12 when we were thinking about potential cooperating witnesses,
13 potential witnesses for future proceedings here in the trial,
14 you know, Mr. Boateng, at that time, was much a better
15 candidate for cooperation than Mr. Attoh in Criminal History
16 Category III. That's why he was given the benefit of that
17 opportunity.

18 THE COURT: I understand now that he no longer has
19 that benefit. I'm just trying to give you an opportunity to
20 note that each individual Defendant is considered separately.
21 There's a great deal of emphasis upon this new activity of
22 Mr. Boateng, but you acknowledge that he basically would be in
23 the same category of Mr. Attoh who received a 36-month or
24 three-year sentence and your view is he should receive a
25 five-year sentence. And I'm wondering to what extent does

1 he -- should he get credit in some way for his tour of duty,
2 two different tours of duty in the U.S. military?

3 **MR. MIHOK:** Well, we've -- that was factored into the
4 Government's sentencing recommendation here. But I have to
5 tell you, Your Honor, that I can't imagine no more brazen,
6 profound, or substantial way of violating conditions of
7 pretrial release in a pretrial release condition of somebody
8 who has been convicted of conspiracy to commit bank fraud and
9 who has been ordered not to engage in any --

10 **THE COURT:** I'm not disputing that and I understand
11 that. I'm giving you an opportunity because basically my notes
12 reflect that the Government position is it doesn't make any
13 difference if he served in the military.

14 **MR. MIHOK:** Oh, no, no. That's not what I'm saying.

15 **THE COURT:** Well then tell me because I don't see that
16 you addressed it. You didn't address it in Paper Number 279.
17 Not that you meant to. It's Mr. Bates that needs to address
18 that in terms of for his client.

19 But in terms of your sentencing memorandum, Paper Numbers
20 269 and 279 -- I could have missed it -- but I don't think that
21 there's been any notice, comment of any kind at all in terms of
22 what credit, if any, the Government should accord a man that
23 spent eight years in military service. And I'm giving you an
24 opportunity now to address it because you did not address it in
25 your sentencing memorandum.

1 And, to put it bluntly, I don't think it should be ignored
2 is what I'm saying. I don't believe that we have a group of
3 defendants and one defendant has served over eight years in the
4 military and two different tours of duty in a war zone as
5 opposed to other defendants. There's an individual analysis as
6 to each one. The Court certainly looks at that as well in
7 terms of the overall person. I'm giving you an opportunity to
8 respond to it because my view is that the Government doesn't
9 accord it any benefit at all.

10 Did you factor that in when you made your recommendation
11 as to five-years?

12 **MR. MIHOK:** Yes, Your Honor.

13 **THE COURT:** Because you didn't mention that so I'm
14 just wondering.

15 **MR. MIHOK:** Right. If you look, when we -- one of
16 the -- not that we were asking the Court to upset these
17 calculations regarding the advisory guideline range, but if you
18 look at the advisory guideline range that would have applied
19 for a fraud scheme as the Defendant attempted and at the time
20 we were doing those calculations that was based on just the
21 Charles Schwab fraud scheme. Now we have Chocolate Gold,
22 Civtek --

23 **THE COURT:** I understand that. So we're clear,
24 Mr. Mihok, it's very important for the record to reflect he has
25 not been found guilty of those. That is your theory of fraud.

1 There's certainly Agent Cochran testified very impressively as
2 to documents that indicate fraud. But he hasn't pled guilty to
3 that. I have not found him guilty of it. I found him by a
4 preponderance of the evidence to have breached a plea
5 agreement.

6 And what I'm asking is is that I understand what your view
7 is of the continued fraud. It's up to the Government if it
8 intends to charge him for that separate fraud, I don't know.
9 That's not in the province of the Court. But I'm trying to
10 focus upon an individualized assessment as to each individual
11 as was indicated by the United States Supreme Court in the *Gall*
12 case in terms of the individualized assessment that's made with
13 the guidelines providing some of guidance toward that.

14 I'm trying to factor in what credit, if any, he should be
15 given for his time in military service as opposed to his
16 codefendants who none of whom apparently ever served in the
17 military. That's my question to you.

18 **MR. MIHOK:** Right. I can just -- as an overall -- the
19 fact that he was in Criminal History Category I and the fact
20 that he had service in the Marine Corps, those were things that
21 went into the consideration of where should we end up, what
22 should we end up recommending for this Defendant in light of
23 what he's been found guilty of. But also now we have this new
24 information, all 1B1.1 relevant conduct which is -- the record
25 that we've established here today allows the Court to clearly

1 consider and factor that in to its sentencing under 3553(a).

2 So we did -- I mean, and the other piece of this, Your
3 Honor, is that the Defendant's -- his military service that he
4 was in the Marines, it was something that he used sort of as
5 his calling card in these fraud schemes over and over again.

6 When he was meeting with the individuals from Chocolate
7 Gold, Civtek, one of the first things that those individuals
8 noted about him was that I met this man, you know, seems like a
9 real go-getter, his name is Mr. Boateng, and he's a Marine
10 Corps veteran. So it's a double-edged sword.

11 I mean, here, you know, that's great. Eight years of
12 service. We solute him. And the Court should factor that in
13 just as the Government factored it in. But at the same time
14 that really opened the door to some of this fraud and got him
15 some meetings and where he was trying to collateralize or pass
16 these clearly illegitimate fraudulent bond instruments that the
17 Court has now seen.

18 So I think that we balanced all of that. I can't tell
19 you, yeah, we were up here at this many months but then we gave
20 him two-levels off for the Marine Corps or half a level off for
21 every year he was in the Marine Corps. I can't tell you that I
22 engaged in some specific calculation and came to 60 months but
23 it was certainly factored in.

24 **THE COURT:** Thank you, Mr. Mihok. I was just trying
25 to give you the benefit of my thoughts and give you an

1 opportunity to respond because I'm sure I'll be hearing on that
2 from Mr. Bates.

3 **MR. MIHOK:** Thank you.

4 **THE COURT:** Mr. Bates, I now recognize you for your
5 comments on behalf of Mr. Boateng.

6 **MR. BATES:** Yes.

7 **THE COURT:** And you -- I have read your submissions on
8 the earlier matter. And I've read your sentencing memorandum,
9 Paper Number 276, which was filed on November the 18th as to
10 which you've asked for one year of home detention.

11 **MR. BATES:** Your Honor, we've had a lot change since
12 then.

13 **THE COURT:** Yes, a lot has happened since then.

14 **MR. BATES:** A lot has happened since then.

15 Your Honor, as the Court found his guidelines are 37 to 46
16 months. When -- the Government has asked for 60 months, but we
17 originally would have the guidelines at 27 to 33 months.

18 I think the Court is correct when it says that we're not
19 here to judge him or to sentence him based on these new
20 allegations the Government has already received, i.e. when the
21 Court invalidated the plea bargain. So now his guidelines
22 jumped to 37 to 46 months. So he's already received some sort
23 penitence and penalty from that violation that the Government
24 talks about.

25 The Government still has the ability with all of this

1 information to go ahead and charge him if they wish. That's in
2 their prerogative. They can do that. So that takes us to 37
3 to 46 months. We talk about 37 to 46 months, that is where I
4 think we should really look at in terms of the guidelines.

5 And if you look at I think Mr. Attoh, I think he received
6 36 months, but he was level three, and they're very similarly
7 situated in terms of their actions within this criminal
8 activity, Your Honor.

9 So let's talk about now Mr. Boateng. Mr. Boateng is a
10 high school graduate. He graduated from the University of
11 Phoenix. He did a lot of those things. But let's talk about,
12 as the Court talked about, the 10 years of military service.
13 Eight --

14 **THE COURT:** I think it was April of 2008 to January of
15 2017 so he basically has some, it appears, some eight years.

16 **MR. BATES:** Two years were inactive in the reserves.
17 We'll focus only on the eight years, Your Honor. You focus on
18 the eight years and, you know, I do think that the Court should
19 take that into consideration because when you're in the
20 military, you're away from your family, you're away from your
21 home, you're out there, you're defending the citizens of the
22 United States. He was in Afghanistan. We've known enough now
23 to see what's happened in Afghanistan. He's received a couple
24 of awards and commendations. No matter what he did in this
25 particular case, no matter what he's done before, that can't

1 erase the positive things that he did for our country, Your
2 Honor.

3 So in that regard, I know where we here. But I look at it
4 like this, I would ask the Court to take into consideration for
5 every year that he served in the military to think about one
6 month downward departure in terms of the guidelines. I know
7 we're at 37 to 46 months, sentence between there. But a
8 similarly-situated individual with three levels he received 36
9 months. I would ask for 29 months, Your Honor. That takes
10 into consideration the eight months that he was -- I mean,
11 eight years that he was in the military.

12 Plus I think what it does it sends a message to my client.
13 As the Court noted previously, I had asked for 11 months home
14 detention, but now we recognize the plea has been breached and
15 the Court has ruled that that has happened and that is why I
16 say, you know, the Government -- we've gone from 27 to 33. Now
17 you're back to 37 to 46 months, Your Honor.

18 His military service -- he now has a daughter that his
19 mother will be raising and now his girlfriend I found out is
20 now pregnant with another child, Your Honor. So he does have
21 the family there.

22 His life that he had before, he's now a convicted felon.
23 He has a number of those issues, but those are issues he's
24 going to have to deal with in the first place.

25 The reason I've asked for 29 months I stated for the

1 record in reference to his military service. Thank you, Your
2 Honor.

3 **THE COURT:** Thank you very much, Mr. Bates. With
4 that, if you'll please stand, Mr. Boateng. I now personally
5 address you and determine if you wish to make a statement and
6 give you an opportunity to speak on your own behalf. And I'll
7 be glad to hear from you.

8 **THE DEFENDANT:** Yes, Your Honor. Your Honor, I would
9 like to start off by apologizing to this Honorable Court and to
10 the victims that were affected in my involvement in the
11 perpetrating of this crime.

12 Your Honor, it's the most costly mistake that I've ever
13 done in my life. All I've tried to do was to be a good citizen
14 and around the 2015, 2016 timeframe when I was exiting active
15 duty I had just had a newborn baby who was left for me to raise
16 by myself, and leaving active duty, and moving into a civilian
17 world being exposed to group of friends that I was not very
18 used to. And I let myself go -- drop my guard, and I got
19 involved in the most unforgettable mistakes of my life, Your
20 Honor.

21 Before this sentencing I have suffered -- I've learned the
22 biggest lessons of my life. Everything that I've worked for
23 since I was born has been wiped away by this crime and this is
24 my own fault. The biggest lesson I've learned, Your Honor, it
25 has been my duty to serve people. Even while in the Marine

1 Corps, I founded a non-profit Quality of Africa that partnered
2 with Johns Hopkins and Texas General Hospital and other NGOs
3 who provide medical intervention to inner cities here in
4 America and in Africa. We've provided over, maybe, \$2 million
5 worth of medical equipment and supplies to several hospitals in
6 Africa.

7 Your Honor, I've also served as a youth mentor in my
8 church where I teach the youth how to play drums. I'm in my
9 church choir.

10 So I've always committed myself to serving my community.
11 But this is the one time in my life where I committed an
12 offense that has taken away everything from me. I've lost
13 right now the opportunity to be there for my daughter who I've
14 been raising on my own since she was three months old. My
15 mother who is now at health risk, I've been taking care of her
16 as well.

17 Your Honor, this has been the most trying moment of my
18 life, and I regret my actions. I'm very sorry. As a veteran,
19 I shouldn't be in this position. I let my guard down. I
20 believe I let everybody that believed and looked up to me down.

21 Your Honor, I'm pleading for clemency and mercy. I have
22 learned my lesson. And I will use this experience to speak to
23 anybody that I mentor, anybody that I meet in the future, to
24 use this as a deterrent. And I will also make it an effort to
25 advocate for the youth that I mentor in church, when I do get

1 the chance, to stay away from crime because one crime can take
2 away your whole life work. And I will have learned that hard
3 lesson, Your Honor. I am disgusted with myself for my
4 involvement in this crime, and I'm really, really sorry.

5 I'm begging, Your Honor, for you to temper justice with
6 mercy and just give me a chance that I will use this
7 opportunity to speak about the importance of staying on the
8 right side of the law. I took an oath to the support and
9 defend this United States and this is the one time in my life
10 that I dropped the ball, and I am sorry. If I'm given the
11 chance, Your Honor, I will do better, and I will never find
12 myself in this situation again. Thank you.

13 **THE COURT:** Thank you very much, Mr. Boateng.

14 **MR. BATES:** May I say one thing, Your Honor?

15 **THE COURT:** Yes, certainly, Mr. Bates.

16 **MR. BATES:** I did not talk about the fine. I would
17 ask the Court to not impose the fine. He hasn't been working
18 the whole time period. Even though I was retained, I was
19 retained early in 2019, Your Honor.

20 **THE COURT:** I don't think he's really in the position
21 to pay a fine, Mr. Bates.

22 **MR. BATES:** Okay. Thank you.

23 **THE COURT:** Mr. Boateng, the difficulty with this case
24 is that many times people come in here and they've been charged
25 with fraud and it's a very sobering experience. But obviously

1 it wasn't that sobering for you because the evidence clearly
2 indicates that you were off potentially committing another
3 fraud. And the leniency accorded to you by this Court in
4 allowing you to be free for the last two years under the
5 umbrella of potentially getting credit for cooperation was used
6 by you just to continue a pattern. So this was not an
7 aberrational event with you because it's twice.

8 And without making any findings, one way or the other, in
9 terms of the very questionable conduct that you were engaged in
10 as to which Agent Cochran testified earlier, some of these
11 documents are absolutely blatantly fraudulent.

12 And you apparently -- so the notion that you were
13 humiliated and shocked and embarrassed by this event clearly it
14 might have set in when you pled guilty before Judge Russell
15 back in 2019, but it didn't register long, and that's
16 upsetting. That's upsetting. So off you went again.

17 In terms of -- in terms of your employment level,
18 obviously you've been essentially unemployed since February of
19 2019 even some seven months before you pled guilty before Judge
20 Russell. So the *Booker* and *Gall* analysis that I've outlined
21 before, and I'm sure Judge Russell mentioned it back in 2019,
22 are that there are certain steps that are required. We've been
23 very careful to calculate the guideline range and determine
24 what the guideline range is and is not. I don't presume that
25 it's reasonable, but it is a guide post. Here, it's very

1 helpful, quite frankly.

2 The sentence imposed should achieve the four
3 congressionally mandated purposes of sentencing, to punish you,
4 to deter you and others from criminal conduct and to protect
5 the public and to rehabilitate you. And so to achieve these
6 four purposes, I look to the seven factors under 18 United
7 States Code § 3553(a)(1) through (7). And the starting point
8 is a calculation of the applicable guideline range which in
9 this case is 37 to 46 months which is essentially three years
10 to four years.

11 When I look at these factors, I'm impressed by the fact
12 that Mr. Attoh received 36 months incarceration and you are
13 very much similarly-situated and identified with him in terms
14 of your activity. There are differences. He had a criminal
15 history category, you have prior military service. I don't
16 know Mr. Attoh has atoned for his actions or not. He was
17 sentenced by Judge Russell back in February of 2020.

18 So the 36 months is a baseline in terms of under
19 § 3553(a)(6) in terms of awarding disparity in sentencing. To
20 the extent that he has a criminal record, and you do not, that
21 is offset by the fact that he pled well before you and has
22 already -- he probably already served a good portion of his
23 sentence already. I factor all of those factors in.

24 I do consider under the *Gall* case the Supreme Court
25 specifically noted that the Court should make an individualized

1 assessment based upon each of the facts presented in terms of
2 the nature and circumstances of the offense, any kind of
3 sentencing disparities. And I'm convinced that your last two
4 years here, prior to coming into Court here on December the
5 2nd, represented the fact that at minimum, at minimum, you were
6 engaged in questionable activity and at minimum you did not
7 appropriately advise your probation officer. It's probably
8 worse than that. It's certainly that at a minimum. So I
9 factor that in.

10 But then I factor in and I do not ignore the fact -- and
11 the reason I asked Mr. Mihok about this is because the
12 Government didn't make any reference to your military service.
13 Just so the record is clear, I always make reference to
14 military service. Each Defendant is required to have an
15 individualized assessment. And I do not ignore, nor should it
16 be ignored, the extent to which someone has worn the military
17 uniform in this country as you did. And particularly in light
18 of the fact that not once but twice you were in war zones and
19 hostile areas. And so I give you credit for that and that is
20 factored in.

21 Having said all that, the guidelines it turns out -- many
22 times judges are critical of the guidelines and at times I
23 am -- but the guidelines here provide great guidance to me now
24 that we've recalculated the guidelines in terms of the fact
25 that you should be sentenced more severely than Mr. Attoh

1 because of the pattern here. But then the flip is how much
2 more severely in light of your military service?

3 (It is the policy of this court that every guilty
4 plea and sentencing proceeding include a bench conference
5 concerning whether the defendant is or is not cooperating.)

6 **THE COURT:** So I'm comfortable in ordering that you be
7 remanded to the custody of Bureau of Prisons for a period of 42
8 months on Count 1, which is three and a half years, with credit
9 for time served in federal custody since December 2, 2021, as
10 of the last 15 days are all credited as to that time.

11 And I'm going to recommend you receive psychological
12 counseling while you're incarcerated. I'm going to recommend
13 that you go to the minimum male camp.

14 And, Mr. Bates, I'm going to recommend Cumberland,
15 Maryland, the minimal male camp in Cumberland, Maryland.

16 Do you agree with that, Mr. Bates?

17 **MR. BATES:** Yes, Your Honor.

18 **THE COURT:** I can't guarantee he'll get it but I'm
19 going to make that recommendation --

20 **MR. BATES:** Yes, thank you.

21 **THE COURT:** -- up in the hills of the Western
22 Maryland.

23 Essentially your having pled guilty to the bank fraud here
24 and the continued pattern of activity here causes me concern in
25 terms of the -- in terms of the factors under 18 United States

1 Code § 3143 in terms of your status here, as far as I'm
2 concerned, that the punishment you bear for this continued
3 criminal activity having used and benefited by your military
4 service to this country and my having not sentenced you as
5 severely as was requested by the Government.

6 I will say that in light of the international nature of
7 some of these activities that under factors under 18 United
8 States Code § 3143, detention pending appeal, if there is an
9 appeal in this matter, I have to find by clear and convincing
10 evidence that you're not likely to flee or pose a danger to any
11 other person in the community. I'm not satisfied as to that.
12 I can't make the affirmative finding that by clear and
13 convincing evidence you're not likely to flee.

14 There have been international transactions that have been
15 engaged in. And I'm satisfied based upon the report of the
16 pretrial services in this matter by John Stagg, the Senior U.S.
17 Probation Officer, noting apparent violations of -- during the
18 period here when you've been on release as ordered by Chief
19 Magistrate Judge Gesner that your overall adjustment was deemed
20 to be marginal and for those reasons your sentence is starting
21 today. You're not going to be voluntarily surrendered. You're
22 in custody and you'll remain in custody. And you get credit
23 for all the time served starting on December the 2nd and that
24 is the sentence of this Court.

25 In addition to that sentence, it's ordered that you be

1 placed on supervised release for a period of three years on
2 Count 1. And I would note that the mandatory and standard
3 conditions of supervision adopted by the Court and certain
4 additional conditions shall apply, and I want to go over all
5 those with you now.

6 Under recent case law of the Fourth Circuit I must clearly
7 summarize all of those and that is that you must not commit any
8 other federal, state or local crime. You must not unlawfully
9 possess a controlled substance once you're on supervised
10 release. You must refrain from any unlawful use of a
11 controlled substances, and you must submit to a drug test
12 within 15 days of your release from prison.

13 If there's any restitution that's necessary, you must make
14 that restitution but it doesn't appear that any is necessary.

15 You are to cooperate in the collection of DNA if requested
16 by your probation officer. And you shall abide by any other
17 instructions in terms of contact or lack thereof with any other
18 persons.

19 In terms of the standard condition -- they are the
20 mandatory conditions which I've just mentioned.

21 In terms of the standard conditions, you must report to
22 the probation office in the federal jurisdiction where you're
23 authorized to reside within 72 hours of your release from
24 imprisonment. And after reporting you will receive
25 instructions from the probation officer and you must follow

1 those.

2 And you're not to leave the federal judicial district,
3 presumably Maryland, where you're authorized to reside without
4 first getting the permission from the Court.

5 You must answer truthfully all questions put to you by the
6 probation officer. And you are to live at a place approved by
7 the probation officer. And you are to allow the probation
8 officer to visit you at your choice of residence.

9 You are to make every effort to work full time at a lawful
10 type of employment.

11 You must not communicate or interact with anyone who you
12 know who have reason to believe is engaged in criminal
13 activity.

14 If you are arrested or questioned by law enforcement
15 officers, you must notify the probation officer within 72
16 hours, within three days of any type of contact. Which means
17 if you're stopped for a traffic ticket, for example, you have
18 to tell your probation officer within the next three days.

19 You are not to own, possess or have access to a firearm,
20 ammunition or destructive device or any other dangerous weapon.

21 And you must not act to be a source of information for any
22 law enforcement agency without permission of this Court.

23 If you're determined to be a risk to anyone by the
24 probation officer, you are to abide by the orders of the
25 probation officer.

1 In addition to those mandatory and standard conditions of
2 supervision, the following additional conditions are to be
3 noted. You shall not engage in any occupation, business or
4 profession that would require you to or enable you to have
5 access to personal identifying information, Social Security
6 information or whatever, credit card information, without the
7 approval of the probation officer.

8 You are to provide the probation officer with access to
9 any requested financial information. You are not to incur any
10 new credit charges or open any additional lines of credit
11 without approval -- without the knowledge and approval of the
12 probation officer.

13 You are to pay any restitution that's ordered, but it
14 doesn't appear there's going to be any restitution that is
15 ordered.

16 The supervised release is recommended to allow you to be
17 closely monitored by the probation office for a period of time.

18 I'm not going to impose a fine in this case because you're
19 not able to pay a fine. There is a mandatory special
20 assessment required by the statute under 18 United States Code
21 § 3013, that will be listed as being paid immediately but it
22 will just be deducted from your prison wages.

23 I'm trying to clarify, is there any -- as I look here --
24 it appears that the Defendant was initially detained -- he was
25 released immediately on February the 6th. The federal

1 detention -- the only federal detention is the last 15 days, I
2 believe.

3 Is that correct from the point of view of the Government?

4 **MR. MIHOK:** Yes, Your Honor.

5 **THE COURT:** Correct from your point of view,
6 Mr. Bates?

7 **MR. BATES:** Correct, Your Honor.

8 **THE COURT:** Okay. I want to advise you of your appeal
9 rights here, Mr. Boateng. Plea agreement -- Paragraph 9 of the
10 plea agreement indicated that both you and the Government
11 waived appeal of any lawful sentence. The Government is now no
12 longer under that restriction. And the Government is free to
13 appeal this sentence if it thinks I was too lenient.

14 By the same token, I'm going to -- as I've already noted
15 several times today, if you wanted to note an appeal you should
16 do so within 14 days of the entry of the judgment and
17 commitment order in this case pursuant to Rule 4(b) of the
18 Federal Rules of Appellate Procedure.

19 If you could not afford an attorney to represent you, an
20 attorney can be appointed to represent you.

21 Mr. Bates, when you talk to him about this make sure you
22 follow through with either being court appointed yourself,
23 under the Criminal Justice Act Panel, or making sure he knows
24 to request an appointment because I'm going to permit him to
25 file an appeal on this if he so desires. If for any reason he

1 does not desire to file an appeal, you need to make a note of
2 that in your file. But make sure he's aware of that 14-day
3 period.

4 **MR. BATES:** Yes, sir.

5 **THE COURT:** Is there anything further from the point
6 of view of the Government on this matter, Mr. Mihok?

7 **MR. MIHOK:** No, Your Honor. You've noted the counts
8 that will be dismissed in satisfaction. And I think we've made
9 an adequate record on the order of forfeiture and the amounts.
10 Nothing further.

11 **THE COURT:** Thank you very much. And, Agent Cochran,
12 thank you for your work on this file. Thank you very much.

13 Anything else from your point of view, Mr. Bates?

14 **MR. BATES:** No, Your Honor.

15 **THE COURT:** Mr. Boateng, I'll tell you, this doesn't
16 give me a great deal of pleasure here. I find it very
17 upsetting that someone who has worn the uniform of this country
18 and the environments in which you represented the United States
19 find yourself in this posture. But I have factored that in and
20 have not imposed a sentence that was suggested by the
21 Government in no small measure because of your prior military
22 service and that has been factored in.

23 So, with that, this Court stands adjourned for the day.
24 Thank you very much.

25 **THE CLERK:** All rise. This Honorable Court is now

1 adjourned.

2 (Hearing concluded at 3:41 p.m.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Ronda J. Thomas, Registered Merit Reporter, Certified Realtime Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 17th day of March 2022.

Ronda J. Thomas

Ronda J. Thomas, RMR, CRR
Federal Official Reporter

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